

Exhibit 2

Declaration of Rylee Sommers-Flanagan

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
HELENA DIVISION

BOB BROWN; HAILEY SINOFF;
and DONALD SEIFERT,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her
official capacity as Montana
Secretary of State,

Defendant.

Cause No.
6:21-cv-92-PJW-DWM-BMM

**Declaration of
Rylee Sommers-Flanagan**

Pursuant to 28 U.S.C. § 1746, I, Rylee Sommers-Flanagan, declare as follows:

1. I make this declaration in support of the petition for attorney fees and other expenses filed by Plaintiffs in this case. I am competent to make this Declaration.
2. I received a B.A. from Emory University in 2011. My academic concentration was international studies. I received an M.Litt in creative writing from the University of St. Andrews in 2012. I received a J.D. from Stanford Law School in 2016. Among other things, I served as Symposium Editor of the Criminal Law and Policy Journal, spent my second summer interning in the White House Counsel's Office, and participated in the Supreme Court Clinic during my third year of law school. Penn Law's Journal of Constitutional Law has published my article *The Legal Story of Guantánamo North*, 19 U. Pa. J. Const. L. 1169 (2017).
3. After graduation, I clerked for the Honorable Sidney R. Thomas, then Chief Judge of the Ninth Circuit Court of Appeals, for one year.

4. After completing my clerkship with Judge Thomas, I clerked for the Honorable Ellen Segal Huvelle of the District of the District of Columbia, for one year. Part of that clerkship year also included time clerking for the Honorable Thomas Hogan of the District of the District of Columbia.
5. After completing my clerkship with Judge Huvelle, I served as the Supreme Court Assistance Project Fellow with the Public Citizen Litigation Group, where I contributed to several appellate briefs, including two briefs in opposition to petitions for certiorari. I then served as a fellow for the class action firm, Cohen Milstein, where I worked across their many practice areas, including especially anti-trust, consumer protection, securities, and civil rights and employment.
6. I next became deputy legal counsel to then Montana Governor Steve Bullock until the end of his term in January 2021. In February 2021, I founded Upper Seven Law, a Montana-based nonprofit law firm.
7. I was admitted to practice in the State of Montana on September 27, 2016. I was admitted to the DC Bar on August 29,

2019. I am also admitted to practice in the United States District Court for the District of Montana and the Ninth Circuit Court of Appeals. My application to practice before the United States Supreme Court will be filed imminently.

8. As a trial and appellate law clerk, I regularly assisted with resolving cases brought under 42 U.S.C. § 1983. I currently am in the process of litigating other cases under 42 U.S.C. § 1983, including *Evenson-Childs et al. v. Ravalli County et al.*, 9:21-cv-DLC-KLD.
9. The area of federal civil rights is complex and specialized. It requires an understanding of the complexities of federal case law, statutes, and regulations.
10. I am requesting compensation at an hourly rate of \$285/hour. These rates are based on market rates in Montana for associate attorneys with similar backgrounds and credentials. *See Ex. 5, Aff. of Emily Cross.*
11. I maintain detailed daily records for each tenth of an hour of work time. These records are broken down by time expended and general

purpose of the work. The daily records of my work accompany this declaration as Exhibit 3.

12. In reviewing the daily time records for work performed in connection with this case, I have exercised billing judgment and eliminated excess and duplicative entries.
13. In my opinion, the professional hours detailed in my daily records were reasonably and necessarily expended for the preparation and successful presentation of this case. In my opinion, these hours would properly be charged to a commercial client. As detailed in Exhibit 3, the total number of hours expended is 35.7. At the rate explained above, and as detailed in Exhibit 3, my total fee request at this time is for \$10,174.50.
14. I have maintained records of costs and other expenses incurred in this matter. In the exercise of billing judgment, I do not request reimbursement for costs other expenses related to Westlaw or PACER or telephone expenses. I request reimbursement for travel to two hearings in Missoula from my home in Helena. The round-trip distance between Helena and Missoula is 226 miles.

Calculated at the federal government rate of \$0.585/mile, my travel costs for this trip totals \$264.42.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 22nd day of March, 2022.

/s/ Rylee Sommers-Flanagan

Attorney for Plaintiffs